

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SAM HARTSON,

Plaintiff,

- against -

STARTEK ENTERPRISES, LLC

Defendant.

Docket No. 1:20-cv-1099

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Sam Hartson (“Hartson” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Startek Enterprises, LLC (“Startek Enterprises” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a portrait, owned and registered by Hartson, a New York based professional photographer. Accordingly, Hartson seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b).

**PARTIES**

5. Hartson is a professional photographer in the business of licensing his photographs to print and online media for a fee having a usual place of business at 14-23 Broadway, 1R, Astoria, New York 11106.

6. Upon information and belief, Startek Enterprises is a limited liability company duly organized and existing under the laws of the State of Florida, with a place of business at 807 Shotgun Road, Sunrise Florida 33326. At all times material hereto, Startek Enterprises has operated their Instagram page at the URL: [www.Instagram.com/JuiceTek](https://www.Instagram.com/JuiceTek) (the “Website”).

**STATEMENT OF FACTS**

**A. Background and Plaintiff’s Ownership of the Photograph**

7. Hartson took a portrait (the “Photograph”). A true and correct copy of the Photograph are attached hereto as Exhibit A.

8. Hartson is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-189-912.

**B. Defendant’s Infringing Activities**

10. Startek Enterprises ran the Photograph on the Website to promote their company. A screenshot of the Photograph on the Website is attached hereto as Exhibit B.

11. Startek Enterprises did not license the Photograph from Plaintiff for its Website, nor did Startek Enterprises have Plaintiff’s permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Startek Enterprises infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Startek Enterprises is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Startek Enterprises have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Startek Enterprises be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;

2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
February 27, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz  
Richard P. Liebowitz  
11 Sunrise Plaza, Suite 305  
Valley Stream, NY 11580  
Tel: (516) 233-1660  
RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff Sam Hartson*